

Serial No.: 09/945,020
Examiner: Kelvin Y. Lin

In the claims:

Please cancel claims 1-37.

Claims 1-37 (canceled)

Please add the following new claims:

38(new). A method of determining a multimedia streaming data rate in a communications network, comprising:

sending streaming multimedia data at a first data rate between a server and a client using a transport protocol

sending a feedback report from the client to the server utilizing the transport protocol, the feedback report at least including information regarding the amount of data received at the client;

the server, in response to receiving the feedback report

estimating the amount of data buffered in the network based on the difference between the amount of data sent from the server and the information in the feedback report regarding the amount of data received at the client

calculating a second data rate from the estimated amount of data buffered in the network,

sending the streaming multimedia data at the second data rate between the server and the client

39(new). The method as recited in claim 38, further comprising adjusting the estimated amount of data buffered in the network by an uplink delay compensation value.

40(new). The method as recited in claim 38, wherein the uplink delay compensation value is determined by the amount of data sent out by the server during a select period of time.

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41(new). The method as recited in claim 39, further comprising calculating an average data receive rate at the client;
wherein the feedback report includes the average data receive rate; and
wherein the uplink delay compensation value is determined at least with the average data receive rate.

42(new). The method as recited in claim 38, wherein the server sends the streaming multimedia data at a third rate if a feedback report is not received from the client at by predetermined time.

43(new). The method as recited in claim 38, further comprising the step of pausing the sending of the streaming multimedia data from the server if a feedback report is not received from the client by a predetermined time.

44(new). The method as recited in claim 38, wherein the client sends the feedback report to the server at a fixed time interval.

45(new). The method as recited in claim 38, wherein the client sends the feedback report to the server at a random interval having a mean based on a predefined distribution function.

46(new). The method as recited in claim 38, wherein the client sends the feedback report to the server upon the trigger of a certain data packet arrival at the client.